

REMARKS

Favorable reconsideration of this application is respectfully requested in view of the claim amendments and following remarks. Claims 1 and 3-55 are pending in the present application of which claims 1, 23, 31, 36, and 47 are independent.

Claims 1, 2, 7, 8, and 47-50 stand rejected under 35 U.S.C. § 102(e) as allegedly being anticipated by Caplet (U.S. Patent Publication No. 2003/0166310 A1) ("Caplet"). Claims 23-46 are allowed, and claims 3-6, 9-22, and 51-55 stand objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. The rejections are respectfully traversed for at least the following reasons.

Drawings

The Applicants respectfully request that the Examiner indicate whether the formal drawings submitted with the originally filed application are acceptable.

Claim Rejection under 35 U.S.C. 102

The test for determining if a reference anticipates a claim, for purposes of a rejection under 35 U.S.C. § 102, is whether the reference discloses all the elements of the claimed combination, or the mechanical equivalents thereof functioning in substantially the same way to produce substantially the same results. As noted by the Court of Appeals for the Federal Circuit in *Lindemann Maschinenfabrick GmbH v. American Hoist and Derrick Co.*, 221 USPQ 481, 485 (Fed. Cir. 1984), in evaluating the sufficiency of an anticipation rejection under 35 U.S.C. § 102, the Court stated:

Anticipation requires the presence in a single prior art reference disclosure of each and every element of the claimed invention, arranged as in the claim.

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Therefore, if the cited reference does not disclose each and every element of the claimed invention, then the cited reference fails to anticipate the claimed invention and, thus, the claimed invention is distinguishable over the cited reference.

Claims 1, 2, 7, 8, and 47-50 stand rejected under 35 U.S.C. § 102(e) as allegedly being anticipated by Caplet. Claim 3 was objected to as including allowing subject matter but being dependent on a rejected base claim. By this amendment, claims 2 and 3 are combined with claim 1, and claims 2 and 3 are canceled. Accordingly, claims 1 and 4-22 are believed to be allowable.

Independent claim 47 also stands rejected over Caplet. Claim 47 is amended herein to recite, “wherein the at least one circuit is located on one or more of the first wafer, the second wafer, and the third wafer.” This feature is not taught or suggested by Caplet. Accordingly, claims 47-55 are believed to be allowable.

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Conclusion

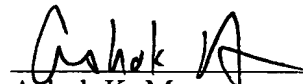
In light of the foregoing, withdrawal of the rejections of record and allowance of this application are earnestly solicited. Should the Examiner believe that a telephone conference with the undersigned would assist in resolving any issues pertaining to the allowability of the above-identified application, please contact the undersigned at the telephone number listed below. Please grant any required extensions of time and charge any fees due in connection with this request to deposit account no. 08-2025.

Respectfully submitted,

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By



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